

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TERRY BLACK'S BARBECUE, LLC and
TERRY BLACK'S BARBECUE DALLAS,
LLC,

Plaintiffs,

V.

STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY,

Defendant.

1:20-CV-665-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant State Automobile Mutual Insurance Company's ("Defendant") Motion for Judgment on the Pleadings, (Dkt. 11). (R. & R., Dkt. 26). In her report and recommendation, Judge Hightower recommends that the Court grant the motion. (*Id.* at 20). Plaintiffs Terry Black's Barbecue, LLC and Terry Black's Barbecue Dallas, LLC's (together "Plaintiffs") timely filed objections to the report and recommendation. (Objs., Dkt. 29).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation de novo. Having done so, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 26), is **ADOPTED**. Defendant's motion, (Dkt. 11), is **GRANTED** and judgment is entered in Defendant's favor.

IT IS FURTHER ORDERED that Plaintiffs' request for leave to amend is **DENIED**.

SIGNED on January 21, 2021.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE